

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	<b>)</b>	<b>CASE NO. 4:18CR3070</b>
	<b>)</b>	
<b>Plaintiff,</b>	<b>)</b>	
	<b>)</b>	<b>MOTION TO SUPPRESS</b>
<b>VS.</b>	<b>)</b>	<b>EVIDENCE AND STATEMENTS</b>
	<b>)</b>	<b>AND REQUEST FOR EVIDENTIARY</b>
<b>JOSEPH L. MELTON,</b>	<b>)</b>	<b>HEARING</b>
	<b>)</b>	
	<b>)</b>	
<b>Defendant.</b>	<b>)</b>	

COMES NOW, Defendant, Joseph Melton, by and through legal counsel, Justin Kalemkiarian, and hereby moves this Honorable Court for an Order suppressing the following:

1. Any and all evidence gained as a result of the warrantless police actions, conducted on or about August 24, 2017 at or near Leadfoot LLC in Holdrege, NE, on grounds that law enforcement violated the Defendant's right to be free from unreasonable searches and seizures, as guaranteed by the Fourth Amendment of the United States Constitution. The evidence sought to be suppressed includes but is not limited to the following:

- (A) Any and all physical evidence seized or observed;
- (B) Any and all statements taken from or attributed to Mr. Melton as the result of a Fourth Amendment violation;
- (C) Any and all observations and opinions of law enforcement officers made as a result of the unlawful warrantless searches and seizures in this case;
- (D) Any and all further evidence, whether tangible or intangible which could be considered to be the "fruits of the poisonous tree." *Wong Sun v. United States*, 371 U.S. 471 (1963).

2. Any and all statements obtained in violation of Mr. Melton's rights, protected under *Miranda v. Arizona*, 384 U.S. 436 (1966), and its progeny, and guaranteed under the Fifth Amendment of the United States Constitution.

WHEREFORE, Defendant requests that all evidence obtained pursuant to the search and seizure of Joseph Melton and Leadfoot LLC be suppressed.

Mr. Melton respectfully requests this Court schedule evidentiary hearing for 2 hours.

Respectfully submitted,  
Joseph L. Melton, Defendant

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Attorney for Defendant

## **CERTIFICATE OF SERVICE**

I hereby certify I have caused the foregoing to be filed with the Clerk of the United States District Court, District of Nebraska, using the CM/ECF system which sent notification to the Assistant U.S. Attorney, on this the 14<sup>th</sup> of September 2018.

/s/ Christopher Ferdico  
Christopher Ferdico, #20988

/s/ Justin Kalemkiarian  
Justin Kalemkiarian, #25415